



## Exempt Action Final Regulation Agency Background Document

<b>Approving authority name</b>	Virginia Waste Management Board
<b>Virginia Administrative Code (VAC) citation</b>	9 VAC20-170-10 et seq.
<b>Regulation title</b>	Transportation of Solid and Medical Waste on State Waters
<b>Action title</b>	Immediate Final Rule 2006
<b>Final agency action date</b>	May 22, 2006
<b>Document preparation date</b>	April 24, 2006

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

The proposed amendments to the existing regulations are necessary to conform to changes in § 10.1-1454.1 B.2 of the Code of Virginia. This legislation was approved on March 31, 2006 and sets forth the requirements for the design, construction, and watertight standards for containers used to transport wastes carrying nonhazardous solid waste on Virginia waters. The current text of 9VAC20-170-70 D does not include the special container prototype test for watertight standards.

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Section 10.1-1454.1 B.2a of the Code requires that the prototype test be a minimum internal head of three inches of water applied to all sides, bottom and top of the container for at least 15 minutes on each side, seam bottom and top, during which the container shall remain free of the escape of water. The proposed regulation change will add this requirement. The first two sentences of 9 VAC20-170-70 D will be stricken and replaced by the language found in § 10.1-1454.1. B .2. The change reflects the exact wording found in the Code.

Section 10.1-1454.1 B.2a of the Code requires that containers meet the requirements of section 1.17.2 of the Rules for certification of Cargo Containers, 1998, American Bureau of Shipping. When a container is accepted for special service under 1.17.2, a special service emblem must be affixed to the container to show that it meets the requirements of its intended service. This requirement is added to 9VAC20-170-70 D.2 and E.

Section 10.1-1454.1 B.2.b (1) of the Code requires that once a container is in service that it be tested at least once every six months and have a minimum internal head of 24 inches of water applied to the container in an upright position for at least 15 minutes during which the container shall remain free from the escape of water. The proposed regulation change will add that the container be in an upright position and replace the word “penetration’ with “escape” in D.3.a.

Section 10.1-1454.1-1 B.2 .b (2) of the Code requires that each container be visually inspected for damage on all sides, plus the top and bottom, and shall have no visible holes, gaps, or structural damage affecting its integrity or performance. This requirement is found in 9 VAC 170-70 D.3.b. The language in the regulation reflects the language in the code and no change is necessary.

Section 10.1-1454.1-1 B.2 .b.2(c) of the Code requires that each container be visually inspected after unloading at the solid waste management facility. This provision is not found in 9 VAC20-170-70; the exact wording from the code is added as 9 VAC20-170-70 G. The existing 9 VAC 20-170-70 G was renamed H.

Section 10.1-1454.1-1 B.3 of the Code states that it shall be a violation of this chapter if during transportation, holding, or storage operations, or in the event of an accident, there is an: (i) entry of liquids into a container; (ii) escape, loss, or spillage of wastes or liquids from a container; or (iii) escape of odors from a container. No change is needed to the regulation because similar language and all of these requirements are stated in 9 VAC 20-170 G. The existing 9 VAC 20-170-70 G was renamed H.

Without these specific clarifications, the regulation does not conform to the requirements set forth in the code. There are no disadvantages to the public or the Commonwealth anticipated with this amendment of the regulation.

The department will limit its amendment to this regulatory section: 9 VAC20-170-70 for the purposes of ensuring that the regulation conforms to the container standards outlined in the code. No other regulatory sections are being changed.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On May 22, 2006, the Virginia Waste Management Board approved this action, Immediate Final Rule 2006, and adopted the rule as final regulations of the board, Amendment 1, Transportation of Solid And Medical Wastes on State Waters, 9 VAC 20-170-10 et seq.

## Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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There is no anticipated impact of this regulatory action on the institution of the family and family stability.